IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST TWO THOUSAND AND FOUR

:PRESENT:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13851 of 2004

Between:

M/s.Sujana Constructions rep., by its Managing Partner
R.Rammohan Rao, s/o Papa Rao, r/o 1-10-149, Ashoknagar, Hyderabad.

..... Petitioner

AND

1 The Superintending Engineer, R&B Circle, Nalgonda, Nalgonda District.
2 The Commissioner of Tenders, BRKR Buildings, Hyderabad.
3 The Chief Engineer (R&B), Errum Manzil, Hyderabad. .....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in not opening the Price bid of the petitioner in respect of the tenders called for improvement of Janagaon to Suryapet Road from KM 44/0 to 55/0 in respect of Notice N I T No.TS/02/2004-05 as illegal, improper, arbitrary, unreasonable and further direct the respondents to consider the tender of the petitioner by opening the price bid of the petitioner.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of Mr. Sree Ranga Rao, Advocate for the Petitioner and GP for Road and Building, on behalf of the respondents 1 to 3, the Court made the following

O R D E R:

"THE PETITIONER CLAIMS THAT HE IS ONE OF THE CONTRACTORS FOR THE TENDER BID IN-RESPECT OF THE WORK IMPROVEMENT OF JANAGAM TO SURYAPET ROAD".

"THE FIRST RESPONDENT AFTER RECEIPT OF THE TENDER FOUND FOUR CONTRACTORS OFFERING THE TENDERS. DURING THE SCRUTING OF THE TECHNICAL BIDS OF THE ABOVE TENDER OF THOSE TENDERERS THE FIRST RESPONDENT ENTERTAINED CERTAIN DOUBTS. HE, THEREFORE, ADDRESSED A LETTER TO THE THIRD RESPONDENT ON 17-6-2004 SEEKING CERTAIN CLARIFICATIONS. IT IS THE INTERNAL CORRESPONDENCE BETWEEN THE FIRST RESPONDENT AND THIRD RESPONDENT. IT IS NOT KNOWN HOW THE PETITIONER GOT A COPY OF THIS LETTER TO APPROACH THIS COURT SEEKING A DIRECTION TO THE CHIEF ENGINEER TO THE THIRD RESPONDENT TO ISSUE CLARIFICATIONS. IT IS THE INTERNAL ADMINISTRATIVE AFFAIR BETWEEN THE FIRST RESPONDENT AND THE THIRD RESPONDENT".

"THE FIRST RESPONDENT DID NOT COMMIT ANY PROCEDURAL IRREGULARITY IN SEEKING CLARIFICATION FROM THE THIRD RESPONDENT".

"THEREFORE, THERE CANNOT BE ANY DIRECTION TO THE THIRD RESPONDENT TO ISSUE ANY CLARIFICATIONS IN A PARTICULAR MANNER. IT IS FOR THE CHIEF ENGINEER TO EXPRESS HIS VIEWS AND GIVE CLARIFICATIONS AS PER THE PROCEDURE PRESCRIBED UNDER THE RULES AND THE POWERS VESTED WITH HIM".

"THEREFORE, THERE CANNOT BE ANY INTERIM DIRECTION TO THE THIRD RESPONDENT FOR ISSUING CLARIFICATIONS TO THE FIRST RESPONDENT. THIS COURT EXPRESS THAT THE FIRST RESPONDENT WOULD NOT RESTORE TO OPEN THE FINANCIAL BID OF INDIVIDUAL CONTRACTORS ON DIFFERENT DATES AND HE WOULD ADOPT THE NORMAL PROCEDURE OF OPENING FINANCIAL BIDS AT A TIME".

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1 The Superintending Engineer, R&B Circle, Nalgonda, Nalgonda District.
2 The Commissioner of Tenders, BRKR Buildings, Hyderabad.
3 The Chief Engineer (R&B), Errum Manzil, Hyderabad.
4 Two CCs to GP for Road and Buildings, High Court of A.P. Hyd. (OUT)
5 One Spare copy

KNK

HIGH COURT

Dt. 05.08.2004

O R D E R

WP NO. 13851 OF 2004

D I R E C T I O N

DRAFTED BY : KNK
DRAFTED ON : 7-8-2004

HIGH COURT

Dr. GYR,J

Dt. 5.8.2004

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WP NO. 13851 OF 2004

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D I R E C T I O N